

REMARKS

Claims 1-3, 6, and 9-16 are pending in the application and stand rejected.

Rejection of Claims 1-3 and 7-12 under 35 U.S.C. §103 over Parsons and Ulbrecht

Claims 1-3 and 7-12 again stand rejected for obviousness over a combination of the Parsons and Ulbrecht patents.

Applicant traverses the Examiner's rejection of these claims and urges the Examiner to reconsider her position. The amendment filed on December 2, 2005, which the Examiner has entered in the case, contained claim amendments and arguments directed specifically to the earlier rejection of these claims over Parsons and Ulbrecht. In the latest office action, however, the Examiner makes no mention of these amendments or arguments. "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." MPEP §707.07(f). Thus, Applicant does not have any understanding of the Examiner's basis for rejection of the claims as amended or the reasons why the Examiner has found Applicant's previous arguments unpersuasive.

Applicant argued previously that it would have been unobvious to combine Parsons and Ulbrecht because at least Ulbrecht clearly teaches specifically against the desirability of using the feature of circulating a fluid of desired temperature within an environmental boundary surrounding the storage tank, which the Examiner believes to be taught by Ulbrecht. Ulbrecht's invention relates to a "ship separated in a horizontal plane into a lower floating body of ordinary shipbuilding steel and an upper tank part of a material resistant to low temperatures." Ulbrecht, col. 1, lines 14-16. This vessel is intended by the inventor to be an improvement to the prior art arrangement of vessels with tanks that are cooled using an outer dual-walled containment structure (i.e., an environmental boundary such as would

be used to circulate a fluid of desired temperature for temperature control). Ulbrecht notes that this type of arrangement is undesirable because:

... extensive and complicated leakage-detection devices must be provided in the space between the two walls in order to be able to immediately detect any possible leaks and repair them promptly. A further considerable expense results from the fact that, before the introduction of the liquefied gas, not only the inner container wall, but also the outer container wall must be cooled.

Ulbrecht, col. 1, lines 43-49. Additionally, Ulbrecht points to concerns about repair time (col. 1, lines 49-58) and safety (col. 2, lines 52-56) for such systems. Ulbrecht explains that it is “[t]he object of the . . . invention to develop a tanker for the transportation of liquefied gases . . . in such a manner that all the above-indicated disadvantages are avoided in a simple and economic manner.” Id., at col. 1, lines 64-68.

The Examiner’s stated position has been that “the [Ulbrecht] reference is evidence of prior knowledge” of “using a circulating fluid.” See Advisory action of 10/28/05 at 2. However, the mere existence of prior knowledge is insufficient to provide the basis for an obviousness rejection. “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” In re Mills, 916 F.2d 680 (Fed. Cir. 1990); MPEP § 2143.01 (emphasis in original). “The level of skill in the art cannot be relied upon to provide the suggestion to combine references.” MPEP §2143.01.

Applicant submits that one of skill in the art reading Ulbrecht would not be motivated to use a circulating fluid within an environmental boundary to control the temperature within a tank since Ulbrecht teaches so specifically and clearly against such arrangements which, he believes, are undesirable.

Applicant notes that it has amended claim 1 herein in order to more positively recite the subject matter of the circulating fluid within the claimed combination.

Rejection of Claims 1, 6, 10, and 13 under 35 U.S.C. §103 over Field and Ulbrecht

Claims 1, 6, 10 and 13 stand rejected for obviousness over a combination of the Field and Ulbrecht references. The Examiner considers Field to describe the claimed invention with the exception of a storage vessel or vessels for storage of a material of the group consisting of hydrocarbon gas and solid hydrocarbon hydrates. She also admits that Field does not teach the storage vessels being disposed within column assembly. However, she contends that Ulbrecht teaches a tanker having a plurality of storage vessels (3, 9) for storage of a material of the group consisting of hydrocarbon gas and solid hydrocarbon hydrates. She also contends that Ulbrecht discloses storage vessels disposed within the hull and atop the hull as well as an environmental boundary in the form of an insulated shell. Further, she believes that Ulbrecht teaches the prior art knowledge of circulating fluid about the storage tank for controlling temperature within the storage tank.

Applicant traverses the rejection as it might apply to the claims 1 and 6 as amended herein. A combination of Ulbrecht with Field is no more able to reveal the subject matter of the claimed invention than the proposed combination of Ulbrecht with Parsons would. In both cases, Ulbrecht teaches against the use of circulating fluid about the storage tank for controlling temperature within the storage tank. Thus, the proposed combination should be considered unobvious. Applicant respectfully requests that the Examiner remove the rejection and pass the claims to issue.

With regard to dependent claim 6, Applicant continues to disagree with the Examiner's conclusion (page 7 of Office Action) that Ulbrecht teaches disposing at least one storage vessel within the column assembly of the floating platform. Ulbrecht's tanker

does not include a column assembly that is retractable and extendable below the hull, and no portion of Ulbrecht suggests that storage tank might be placed there. Neither Field nor Ulbrecht reveals or suggests this element or provides any suggestion to include it. The rejection of claim 6 is simply unfounded, and Applicant kindly requests that it be withdrawn.

With regard to the rejection of claims 10 and 11, Applicant points out that the proposed combination does not reveal at least the element of a storage vessel for storage of a material of the group consisting of hydrocarbon gas and solid hydrocarbon hydrates. As explained above, the hydrocarbons being stored in Ulbrecht are in liquid form and are neither a hydrocarbon gas nor a solid hydrocarbon methane, as recited by the claims. There is no indication that the storage vessels of Ulbrecht would be suitable or capable of storing either hydrocarbon gases or solid hydrocarbon hydrates.

Rejection of Claims 14-1 under 35 U.S.C. §103 over Field and Ulbrecht

Claims 14-17 (14-16 as amended) also stand rejected for obviousness in view of a combination of the Field and Ulbrecht references. The Examiner asserts that the subject matter of claims 14-16 is inherent to the combination of Field and Ulbrecht.

Applicant disagrees and traverses the rejection as it might apply to the claims as amended herein. As noted previously, the content of the Ulbrecht patent explicitly teaches against combining the references in the manner the Examiner suggests to create the subject matter of claims 14-16. As noted, Ulbrecht specifically teaches against the use of circulating fluid in an environmental boundary to control the temperature of the storage vessel. Since the references are not properly combinable, the steps of method claims 14-17 are not inherent. Applicant respectfully requests that the Examiner remove the rejection.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Shawn Hunter', is written over a horizontal line.

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